

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS & ST. JOHN

THE UNITED STATES OF AMERICA :
Plaintiff, : Case No. 3:19-cr-79
vs. :
ARIEL PETERSEN, JR. & KAI JAMES, :
Defendants. :
-----x

MOTION TO CONTINUE

COMES NOW Defendant, ARIEL PETERSEN, JR. and KAI JAMES, by and through the undersigned, moves the Court for an order continuing the January 2024 trial, and enlarging the time to complete discovery and file motions. In support thereof the Defendants state as follows.

1. Petersen

The undersigned has additional factual investigation that needs to be performed. The undersigned has moved the Court for additional CJA funds, *see* Doc. # 432, which was granted, *see* Doc. # 521. However, the Circuit has yet to approve the additional compensation. Without additional funds to conduct the Defendant's factual investigation the Defendant is not in a position to move forward with this case and the undersigned does not believe that he can provide effective assistance of counsel. Accordingly, the Court should continue the trial, and once the Circuit has provided additional funds and given the Defendant sufficient time to complete his investigation.

2. Kai James

Attorney Harvey is currently in a multiple defendant RICO trial in Atlanta in the case of *State of Georgia v. Kahlieff Adams, et. al.*, 22SC183572. See generally <https://www.legalaffairsandtrials.com/p/young-thug-rico-trial-includes-jurors>. The "Young Thug"

trial is expected to last another 4-6 months. Attorney Harvey is understandably unable to attend a trial in January.

WHEREFORE, for the reasons stated herein, the motion should be granted in full.

LOCAL CRIMINAL RULE 12.5 STATEMENT

Under 31 U.S.C. § 3161(h)(1)(D) the time that this motion is pending qualifies as excludable time. The excludable time is calculated from the date that this motion is filed to the date that the Court rules on the motion.

LOCAL CRIMINAL RULE 1.2 STATEMENT

The United States & Ivan James does not oppose Defendants' request for a continuance.

Respectfully submitted,

/s/Joseph A. DiRuzzo, III

Nov. 30, 2023

Joseph A. DiRuzzo, III

VI Bar No. 1114

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